

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MITCHELL BRATHWAITE,

Plaintiff,

-against-

JUDGE WANDA LETICIA,

Defendant.

23-CV-1364 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff is proceeding in this matter *pro se* and *in forma pauperis* (“IFP”). By order dated May 9, 2023, the Court dismissed Plaintiff’s complaint, filed under 42 U.S.C. § 1983, for failure to state a claim on which relief may be granted and on immunity grounds, and granted Plaintiff leave to replead his Section 1983 claims. (ECF 4.) The Court stated in that order that if Plaintiff did not file an amended complaint within 30 days, the action would be dismissed. Plaintiff has not filed an amended complaint or otherwise communicated with the Court.

Accordingly, the Court dismisses Plaintiff’s Section 1983 claims for failure to state a claim on which relief can be granted, and on immunity grounds. The Court declines, under 28 U.S.C. § 1367(c), to exercise supplemental jurisdiction of any state law claims that Plaintiff may be asserting.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this matter.

SO ORDERED.

Dated: June 26, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge